

Filed for intro on 02/21/95
Senate Bill _____
By _____

House No. HB1825
By Odom

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, and to enact the "Hunter's and Fisherman's Right to Know Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, is amended by adding Sections 2 through 6 of this act as a new part..

SECTION 2. This act shall be known and may be cited as the "Hunter's and Fisherman's Right to Know Act".

SECTION 3. The general assembly hereby finds, determines and declares that:

- (a) The state of Tennessee has an abundance of waters which are of great aesthetic value to all citizens;
- (b) These waters have provided hunters and fishermen many bountiful harvests and moments of relaxation, reverie, and enjoyment;.
- (c) Each Tennessean should have the absolute uncompromised right to know how and where these waters are threatened; and.

(d) Those who would discharge toxic or poisonous substances into our waterways owe to each Tennessean at least a clear and concise disclosure of all pollutants released into this state's precious waters.

SECTION 4. As used in this part, the terms "discharge", "person", "pollution", "pollutant", and "waters" have the same meanings as in Tennessee Code Annotated, Section 69-3-103.

SECTION 5.

(a) Every person who discharges water pollution directly into waters and is required to obtain a water pollution control National Pollutant Discharge Elimination System (NPDES) permit or similar direct discharge general or individual permit required pursuant to Tennessee Code Annotated, Section 69-3-108, or any successor provision to this section and whose discharge contains any toxic pollutant identified by the U.S. Environmental Protection Agency pursuant to Section 307(a)(1) of the Federal Water Pollution Control Act or successor provisions shall erect or post and maintain a conspicuous and legible sign which shall disclose in clear and concise language the chemical names of all pollutants so discharged. The sign shall contain, at a minimum, the following statement:

PUBLIC NOTICE

(NAME OF DISCHARGER)

DISCHARGES THE FOLLOWING TOXIC POLLUTANTS INTO THIS WATER

(b) The toxic pollutants shall then be identified by the chemical name. The sign shall be placed on land owned, leased, or on which an easement has been obtained by the permittee within approximately fifty (50) feet of the point on land where the discharge pipe, conveyance, or ditch enters the receiving water. The sign shall be visible and legible to persons on or near the water and shall be of four inch (4") block type. The sign shall also list the name and telephone number of a person at the permittee's place of business that the members of the public can contact for further information.

SECTION 6. Any sign required by this act to be posted shall be posted and maintained within thirty (30) days of the effective date of this act. The attorney general and reporter shall give written notice to any person in violation of this act. Any person receiving written notice shall comply with this act within thirty (30) days following the notice. The enforcement of this section shall be by the attorney general and reporter and shall be commenced by a civil action,

not less than thirty (30) days following notice, for injunctive relief in the chancery court of the county in which the violation occurred.

SECTION 7. This act shall take effect on July 1, 1995, the public welfare requiring it.

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, relative to notice of the discharge of water pollution.

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